

# DRIVE WAY REGULATIONS

TOWN OF ASHLAND, NEW HAMPSHIRE  
2003

## ARTICLE 1: Authority

- 1.1 Pursuant to the authority vested in the Ashland Planning Board by the State of New Hampshire, and in accordance with the provisions of RSA 236: 13-14, the Ashland Planning Board adopts the following regulations governing the construction and alteration of driveways, entrances, exits, and approaches within the limits of the right-of-way of all streets under the jurisdiction of the Town of Ashland.
- 1.2 These regulations shall not apply to the following state maintained streets:
  - All numbered state and federal highways
  - Winona Road

## ARTICLE 2: Standards

- 2.1 No more than two driveways shall be constructed from any one street to any one property, unless the frontage along the street exceeds five hundred feet. When the frontage exceeds five hundred feet (500'), one additional driveway is allowed for every additional two hundred fifty 250 feet (250').
- 2.2 The location shall be selected to most adequately protect the safety of the traveling public. The driveway shall be at least twenty-five feet (25') from the nearest intersection.
- 2.3 Sight distances shall be determined as follows:

### **SPEED LIMIT**

<30 MPH  
31 - 40 MPH  
41 -50 MPH  
>50 MPH

### **MINIMUM SIGHT DISTANCE**

200 FEET  
275 FEET  
350 FEET  
400 FEET

- 2.4 The intersection of the driveway and the street shall be as close to ninety degrees (90<sup>0</sup>) as possible, but not less than sixty degrees (60<sup>0</sup>).
- 2.5 At its junction with the street, the driveway shall have a minimum width of twelve feet (12') and a maximum width of fifty feet (50') except, that the driveway may be flared beyond a width of fifty feet (50') to accommodate the turning radius of vehicles expected to use the driveway. *(Amended 2/90)*
- 2.6 The grade of the driveway shall be no greater than twelve percent (12%).
- 2.7 Driveways that abut paved streets shall be constructed with paved aprons that shall be as wide as the driveway and five feet (5') (or more if deemed necessary by the Driveway Permit Agent or the Planning Pool) in depth as measured perpendicularly from the edge of the street pavement. The paved apron shall be constructed in such a way as to protect the edge of the street pavement from deterioration.
- 2.8 The driveway shall not interfere with the street's drainage. Culverts, waterbars, ditches, and other drainage structures shall be installed when necessary to insure adequate drainage to the street and to prevent excessive run-off from the driveway onto the street. Culverts shall be at least twelve inches (12") of fill shall be placed over culverts.
- 2.9 Sidewalk and Street Repair: When the construction of a driveway requires the disturbance of a street or sidewalk, the applicant shall obtain the permission of the Highway Agent before proceeding with construction.

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Any street or sidewalk disturbed during the construction of the driveway shall be restored to the satisfaction of the Highway Agent, in accordance with the Town of Ashland's "Rules and Regulations on Works in Way."

2.9a Any granite curbing removed to allow the construction of a driveway shall remain the property of the Town and shall be moved by the applicant to a place designated by the Highway Agent.

2.10 The minimum set back of any permanent, temporary or infrequent ingress or egress driveway or access for any use purpose shall be at least fifteen feet (15') from side and rear boundaries. (*Addition 2/90*)

## ARTICLE 3: Application

3.1 Application: Any person wishing to construct or alter a driveway within a street right-of-way shall obtain a driveway permit application, with a map of the proposed construction, with the agent.

3.2 The following information shall be provided on the map accompanying the application:

- The lengths of the street frontages of the property to be served by the driveway
- The location of the existing driveway(s)
- Property boundaries with one hundred feet (100') of the proposed driveway
- The distances to all street intersections with one hundred feet (100') of the proposed driveway
- The location and dimension of the proposed driveway within the street right-of-way
- The dimensions and specifications of the proposed driveway's paved apron
- The depth of fill over any culverts
- The grade(s) of the proposed driveway
- The length of sight distances in both directions along the street
- The location of any visual obstructions to the required sight lines
- The location of any existing or proposed drainage structures, traffic control devices, and channelization islands to be installed.

3.3 The Planning Board or the Driveway Permit Agent may require the preparation of plans by an engineer or a surveyor when it deems such plans necessary.

3.4 Failure of the applicant to supply the information required in Section 3.2 and to provide the map with the specifications required in Section 3.3 shall be sufficient grounds for the denial of the application.

## ARTICLE 4: Procedure

4.1 The Driveway Permit Agent (Building Inspector) and the Highway Agent shall review the application and inspect the site of the proposed driveway and/or access. The Highway Agent shall make any necessary recommendations to the Planning Board. (*Amended 2/90*)

4.2 If the proposed driveway conforms to the standards in these regulation, then the Driveway Permit Agent shall issue a written construction permit to the applicant stating the terms and specifications for the construction or alteration of the driveway. (If the Driveway Permit Agent feels that a performance bond or other surety should be required, he shall refer the application to the Planning Board.)

4.2a If the application is disapproved, a letter shall be sent to the applicant stating the reasons for the disapproval.

4.3 If the proposed driveway requires a variance from the standards in these regulations, or, if the applicant or the Highway Agent wished to appeal a decision of the Driveway Permit Agent, or if the Driveway Permit Agent

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feels that a performance bond or other surety should be required, then the application shall be referred to the Planning Board at a regular meeting.

If a decision by the Driveway Permit Agent is being appealed, notice shall be given to the Driveway Permit Agent by the appellant at least forty-eight hours (48) before the meeting so that the Agent may submit his recommendations to the Planning Board.

After hearing the recommendations of the Driveway Permit Agent and the Highway Agent and the comments of the applicant and other interested parties, the Planning Board shall act upon the application. The Planning Board shall either issue a written construction permit stating the terms and specifications for the driveway, or disapprove the application, stating the reasons for the disapproval in a letter to the applicant.

- 4.4 The applicant may be required by the Planning Board to post a suitable performance bond in an amount sufficient to cover the cost of construction of that portion of the driveway within the right-of-way of the street, including required culverts, ditches, other drainage structures, the paved apron, and any repairs to public streets and sidewalks disturbed by the construction.

In lieu of a performance bond, the applicant shall have the option of depositing with the Town cash or a savings bank book (properly endorsed to the Town) in an amount approved by the Planning Board as being sufficient to cover the costs of construction and repair.

4.4a The amount of the bond shall be based upon a contractor's or an engineer's cost estimate, and it shall be approved by the Planning Board. All bonds shall be for one hundred percent (100%) of the estimated costs outlined above. The bond shall be approved as to form and sureties by the Planning Board.

4.4b The performance bond shall not be released until the Highway Agent has certified completion of the bonded construction and repairs in accordance with the standards in these regulations in accordance with the plan approved by the Planning Board.

- 4.5 A driveway construction permit shall be issued for a stated period of time, not to exceed one year. Unless the Planning Board grants an extension of time, the driveway shall be completed by the deadline in the permit.

## **ARTICLE 5: Administration**

- 5.1 The Driveway Permit Agent is empowered to issue permits for the construction and alteration of driveways, provided that the proposed construction or alteration meets the standards in these regulations.
- 5.2 Waiver: Where strict conformity with these regulations would cause undue hardship or injustice to the owner of the land, a driveway plan substantially in conformance with these regulations may be approved by the Planning Board, provided that the spirit of these regulations will be respected and that the public convenience and safety will not be adversely affected.
- 5.3 Enforcement: The Board of Selectmen is responsible for the enforcement of these regulations. Upon determination by the Planning Board that a violation of these regulations has occurred, notice shall be given to the Board of Selectmen recommending appropriate enforcement procedures.
- 5.4 Penalty: As provided under RSA 236:14, any person who violates any provision of RSA 236:13 or regulations made under the authority of RSA 236:13 shall be guilty of a violation if a natural person, or guilty of a misdemeanor if any other person. In addition, said person shall be liable for the cost of restoring the street to the satisfaction of the Planning Board.

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- 5.5 Validity: If any section, provision, portion, clause, or phrase of these regulations shall be held to be invalid or unconstitutional by any court or competent authority, such holding will not affect, impair, or invalidate any other section, clause, provision, portion, or phrase of these regulations.
- 5.6 Amendment: These regulations may be amended or rescinded by the Planning Board following a public hearing on the proposed change. The Board shall transmit a copy of any change of these regulation to the Board of Selectmen, the Highway Agent, and the Town Clerk.
- 5.7 Adoption: These regulations shall become effective after a public hearing, adoption and certification by the Planning Board, and filing with the Board of Selectmen, the Highway Agent and the Town Clerk.

## ARTICLE 6: Definitions

Driveway and/or Access:	Any driveway, access, entrance, exit, or approach within the limits of the right-of-way of any street or road under the jurisdiction of the Town of Ashland. (Amended 2/90)
Driveway Width:	The width of a driveway as measured paralleled to the centerline of a street.
Engineer:	A Registered Engineer
Grade:	The steepness of land surface expressed as a change in elevation between two points along the centerline of a driveway divided by the horizontal distance between those same points.
Highway Agent:	Highway Agent of the Town of Ashland
Sight Distance:	The length of a line which encounters no visual obstruction between two points, each at a height of three feet nine inches (3' 9") above the payment, and located so as to represent the critical line-of-sight between the operator of a vehicle using the driveway and the operator of a vehicle approaching from either direction.
Street:	Any street under the jurisdiction of the Town of Ashland
Surveyor:	A licensed New Hampshire surveyor

Adopted: September 27, 1983

Amended: October 28, 1986  
February 6, 1990  
May 7, 2003

## Appendum

### Scenic Roads

Owl Brook Road (Moos Corner to Town Line)  
Sanborn Road